

**TENTATIVE RULINGS**

**CIVIL/FAMILY LAW CASE MANAGEMENT CALENDAR**

**For: 04/06/15, Monday Dept. 4**

**(Posted 04/01/15)**

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling. When the tentative ruling is adopted without change, no further notice of the ruling will be provided by the court.

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1. 1:30 PM Case: 11CV37943 [S] ARK-MAJIYAGBE v CARLIN  
Type: SPECIFIC PERFORMANCE Date Filed: 09/28/11  
Event: TRIAL SETTING CONFERENCE

PLNTFF: ARK-MAJIYAGBE, GABRIEL O. ATTY: REEVE, BOB ESQ  
DEFNDT: CARLIN, JEREMY L. ATTY: FOLEY LAW OFFICES, KENNETH M.

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 4 approximately 120 days out, and for Trial in Dept. 2 approximately 150 days out. The clerk's office shall provide a pre-trial order with dates and times. Estimated trial length: 2 day court trial

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2. 1:30 PM Case: 12CV38609 [S] BOTTORFF v ROBERTS  
Type: PI/PD MOTOR VEHICLE Date Filed: 07/09/12  
Event: FURTHER CASE MGMT CONF RE JUDGMENT

PLNTFF: BOTTORFF, MARK LEROY ATTY: YOUNG WARD & LOTHERT  
DEFNDT: ROBERTS, COLTON JAMES

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further Case Management. If judgment enters in the interim, the following date will be vacated, Dept. 4 at 2:00 PM on 10/07/15.

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3. 1:30 PM Case: 13CV39811 [S] COUNTY OF CALAVERAS v CALAVERAS MEDICAL COL  
Type: INJUNCTIVE RELIEF Date Filed: 12/26/13  
Event: COURT'S MOTION TO DISMISS PER CCP 3.1385

PLNTFF: COUNTY OF CALAVERAS C.C.: CALAVERAS COUNTY COUNSEL  
DEFNDT: CALAVERAS MEDICAL COLLECTIVE ATTY: TACKETT MULL NICOLAI  
DEFNDT: LA CONTENTA PLAZA LP  
DEFNDT: DAVE'S NOT HERE ATTY: TACKETT MULL NICOLAI  
DEFNDT: GOMEZ, ALEX

Tentative Ruling: After review of the file, the matter is set for a further Case Management Conference in Dept. 4 at 1:30 PM on 08/05/15.

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4. 1:30 PM Case: 14CV39825 [S] ORTIZ  
Type: PI-NON MOTOR VEHICLE  
Event: TRIAL SETTING AFTER MEDIATION  
JURY FEES POSTED BY PTFF/DEF

v MINER'S EXCHANGE  
Date Filed: 01/02/14

PLNTFF: ORTIZ, RAMONA  
DEFNDT: MINER'S EXCHANGE ASSOCIATION  
DEFNDT: NINOS, MICHAEL J.  
DEFNDT: NINOS, MELISSA  
DEF/XC: MURPHYS RESTAURANT GROUP LLC  
DF/X-D: KLASS, RONALD E.  
AKA: RIVER KLASS  
DBA: GROUNDS  
DF/X-D: KLASS, NANNETTE T.  
DBA: GROUNDS  
DF/X-D: DOVE, ALAN R.  
DF/X-D: DOVE, ALLISON K.  
DF/X-D: GROUNDS

ATTY: DAMBACHER TRUJILLO & ASSOCIAT  
ATTY: WALLIS LAW OFFICES, DAVID A.  
ATTY: WALLIS LAW OFFICES, DAVID A.  
ATTY: WALLIS LAW OFFICES, DAVID A.  
ATTY: FOLEY LAW OFFICES, KENNETH M.  
ATTY: READ & ALIOTTI PC  
  
ATTY: READ & ALIOTTI PC  
  
ATTY: WALLIS LAW OFFICES, DAVID A.  
ATTY: WALLIS LAW OFFICES, DAVID A.  
ATTY: READ & ALIOTTI PC

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 4 approximately 120 days out, and for Trial in Dept. 3 approximately 150 days out. The clerk's office shall provide a pre-trial order with dates and times. Estimated trial length: 4 day jury trial

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5. 1:30 PM Case: 14CV39954 [S] RENNER  
Type: BREACH OF CONTRACT  
Event: TRIAL SETTING CONFERENCE-CIVIL

v GUTIERREZ  
Date Filed: 03/11/14

PLF/XD: RENNER, IAN  
DBA: RENNER WINERY  
DEF/XC: GUTIERREZ, ERNESTO  
TRSTEE: GUTIERREZ REVOCABLE TRUST, ERN  
DEF/XC: GUTIERREZ, PATRICIA  
TRSTEE: GUTIERREZ REVOCABLE TRUST, ERN  
X-DEFT RENNER WINERY

ATTY: FLYNN ROSE & PERKINS  
ASSOC: JACOBSEN & MCELROY  
ATTY: WEINTRAUB TOBIN CHEDIAK COLEM  
  
ATTY: WEINTRAUB TOBIN CHEDIAK COLEM  
  
ATTY: JACOBSEN & MCELROY

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, must appear.

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6. 1:30 PM Case: 14CV39976 [S] SPICA HOLDINGS LLC  
Type: REAL PROPERTY  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

v HOLMAN  
Date Filed: 03/20/14

PLNTFF: SPICA HOLDINGS LLC.  
PLNTFF: FRAZIER LAND AND PROPERTY LLC  
PLNTFF: FRAZIER, SCOTT T.  
DEFNDT: HOLMAN, MERLE A.

ATTY: LEWIS BRISBOIS BISGAARD & SMI  
ATTY: LEWIS BRISBOIS BISGAARD & SMI  
ATTY: LEWIS BRISBOIS BISGAARD & SMI  
ATTY: PARR LAW GROUP

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 4 at 1:30 PM on 08/05/15.

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7. 1:30 PM Case: 14CV40124 [S] HOLLINGSWORTH v HOFSTETTER  
Type: PI/PD MOTOR VEHICLE Date Filed: 05/23/14  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL  
Event: CONT'D OSC RE: FILING COMPLIANCE

PLNTFF: HOLLINGSWORTH, DONALD ATTY: SALAZAR, ANTHONY T. ESQ  
DEFNDT: HOFSTETTER, LACY RANAE

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The next Case Management hearing shall be in Dept. 4 at 1:30 PM on 08/05/15. Plaintiff/Petitioner shall provide notice of this ruling to the parties.

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8. 1:30 PM Case: 14CV40170 [S] KENNEDY v NORMAN  
Type: BREACH OF CONTRACT Date Filed: 06/20/14  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLF/XD: KENNEDY, DOUGLAS ATTY: OMNI LAW GROUP  
DEF/XC: NORMAN, DIANE ATTY: LYNN & O'BRIEN LLP  
X-DEFT WINFIELD, SONJA ATTY: CARLSON LAW GROUP  
X-DEFT SEGERSTROM REAL ESTATE INC. ATTY: CARLSON LAW GROUP  
DBA: COLDWELL BANKER LAKE TULLOCH

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. The next Case Management/Trial Setting hearing shall be in Dept. 4 at 1:30 PM on 09/09/15. Plaintiff/Petitioner shall provide notice of this ruling to the parties.

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9. 2:00 PM Case: 12FL38721 [S] BREINIG v BREINIG  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/29/12  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: BREINIG, TASHA ATTY: IN PRO PER  
RESP: BREINIG, SPENCER J. ATTY: IN PRO PER

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until the Proof of Service is filed. The next Case Management hearing shall be in Dept. 4 at 2:00 PM on 11/04/15.

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10. 2:00 PM Case: 13FL39759 [S] DURAND v DURAND  
Type: DISSOLUTION W/O MINOR CHILDREN Date Filed: 12/05/13  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: DURAND, ANNA ATTY: IN PRO PER  
RESP: DURAND, EDWARD ATTY: IN PRO PER

Tentative Ruling: The Default of the respondent has been entered. Petitioner must go to the clerk's filing window to schedule a "Default Prove Up Hearing". Petitioner must attend that brief hearing and submit the Judgment (FL-180) and Notice of Judgment (FL-190). The next Case Management hearing shall be in Dept. 4 at 2:00 PM on 11/04/15. As the matter was submitted on the tentative ruling, no further notice of the ruling will be provided.

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11. 2:00 PM Case: 14FL40193 [S] SANDERS v SANDERS  
Type: DISSOLUTION W/O MINOR CHILDREN Date Filed: 07/01/14  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: SANDERS, DORIS I. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.  
RESP: SANDERS, TERRY M.

Tentative Ruling: This matter awaits entry of judgment (FL-180). The matter is continued for further Case Management. If judgment enters in the interim, the following date will be vacated, Dept. 4 at 2:00 PM on 08/15/15. As the matter was submitted on the tentative ruling, no further notice of the ruling will be provided.

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12. 2:00 PM Case: 14FL40195 [S] STREY v STREY  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 07/02/14  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: STREY, KATHLEEN ATTY: MOORE, ROBERT G. ESQ  
RESP: STREY, KEVIN ATTY: FOYIL, DAVID ESQ

Tentative Ruling: This matter may be concluded by a Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). If no agreement is reached, the matter is set for a further Case Management Conference in Dept. 4 at 2:00 PM on 08/05/15. As the matter was submitted on the tentative ruling, no further notice of the ruling will be provided.

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13. 2:00 PM Case: 14FL40530 [S] SMITH v SMITH  
Type: DISSOLUTION W/O MINOR CHILDREN Date Filed: 12/02/14  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: SMITH, REBECCA L. ATTY: IN PRO PER  
RESP: SMITH, JERRY M.

Tentative Ruling: The Default of the respondent has been entered. Petitioner must go to the clerk's filing window to schedule a "Default Prove Up Hearing". Petitioner must attend that brief hearing and submit the Judgment (FL-180) and Notice of Judgment (FL-190). After review of the file, the matter is set for a further Case Management Conference in Dept. 4 at 2:00 PM on 08/05/15. As the matter was submitted on the tentative ruling, no further notice of the ruling will be provided.

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14. 2:00 PM Case: 14FL40533 [S] EMIGH v EMIGH  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/03/14  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: EMIGH, STEPHANIE ATTY: IN PRO PER  
RESP: EMIGH, DAVID ATTY: IN PRO PER

Tentative Ruling: This matter may be concluded by a Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). If no agreement is reached, the matter is set for a further Case Management Conference in Dept. 4 at 2:00 PM on 08/05/15.

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15. 2:00 PM Case: 14FL40537 [S] WEINGARTEN v WEINGARTEN  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/04/14  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: WEINGARTEN, ALLAN ATTY: MOORE, ROBERT G. ESQ  
RESP: WEINGARTEN, GENA A.

Tentative Ruling: There is Proof of Service but no response (FL-120) or default (FL-165). Prior to the next CMC, unless a response is filed, petitioner must file a request for default or dismiss the action. The CMC is set for Dept. 4 at 2:00 PM on 08/05/15. As the matter was submitted on the tentative ruling, no further notice of the ruling will be provided.

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16. 2:00 PM Case: 14PA40531 [S] PATINO v SIMONARO  
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 12/02/14  
Priority Info: CONFIDENTIAL  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: PATINO, SAUL ATTY: IN PRO PER  
RESP: SIMONARO, CARESSA ATTY: IN PRO PER

Tentative Ruling: This matter may be concluded by a Marital Settlement Agreement ("MSA") of the parties attached to the Judgment (FL-180). If no agreement is reached, the matter is set for a further Case Management Conference in Dept. 4 at 2:00 PM on 08/05/15.

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END OF CALENDAR